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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )

Implementation of Section 302 of )  
the Telecommunications Act of 1996 )

Open Video Systems )

CS Docket No. 96-46

**OPPOSITION OF BELL ATLANTIC<sup>1</sup> AND NYNEX<sup>2</sup>  
TO PETITION FOR RECONSIDERATION**

Bell Atlantic and NYNEX oppose the untimely petition for reconsideration filed by Time Warner Cable ("Time Warner"). Time Warner does not ask for reconsideration of any of the open video system (OVS) rules that were amended by the Commission's Fourth Report and Order.<sup>3</sup> That order was "purely ministerial and [did] not alter the rights of interested parties." Its "purpose . . . [was] to organize the Commission's internal procedures to provide for a more efficient processing of applications for certification."<sup>4</sup>

<sup>1</sup> The Bell Atlantic companies ("Bell Atlantic") are Bell Atlantic-Delaware, Inc., Bell Atlantic-Maryland, Inc., Bell Atlantic-New Jersey, Inc., Bell Atlantic-Pennsylvania, Inc., Bell Atlantic-Virginia, Inc., Bell Atlantic-Washington, D.C., Inc., Bell Atlantic-West Virginia, Inc., and Bell Atlantic Video Services Company.

<sup>2</sup> The NYNEX Telephone Companies ("NYNEX") are New York Telephone Company and New England Telephone and Telegraph Company.

<sup>3</sup> In the Matter of Implementation of Section 302 of the Telecommunications Act of 1996, Open Video Systems, Fourth Report and Order, CC Docket No. 96-46, FCC 97-130 (rel. Apr. 15, 1997)

<sup>4</sup> Id. at ¶ 3.

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In its Petition, Time Warner claims that it seeks to “remedy the infirmities in the existing OVS certification process.”<sup>5</sup> The “remedy” proposed by Time Warner would, among other things, require applicants for OVS certification to file substantial additional documentation with their Forms 1275 and make significant changes to the timing of and process for open enrollment that OVS operators are required to conduct. The rules Time Warner seeks to change, however, were promulgated by the Commission in the Second Report and Order,<sup>6</sup> published in the Federal Register on June 5, 1996, and the Third Report and Order and Second Order on Reconsideration,<sup>7</sup> published in the Federal Register on August 21, 1996. Petitions for reconsideration of those orders were due on July 5, 1996 and September 20, 1996, respectively.<sup>8</sup>

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<sup>5</sup> Time Warner Petition at i.

<sup>6</sup> In the Matter of Implementation of Section 302 of the Telecommunications Act of 1996, Open Video Systems, 11 FCC Rcd 18223 (1996).

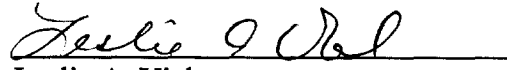
<sup>7</sup> In the Matter of Implementation of Section 302 of the Telecommunications Act of 1996, Open Video Systems, 11 FCC Rcd 20227 (1996).

<sup>8</sup> Time Warner did not seek reconsideration at that time. *Id.* at Appendix A.

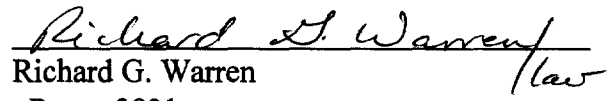
Accordingly, Time Warner's petition for reconsideration is untimely and should be denied.<sup>9</sup>

Respectfully submitted,

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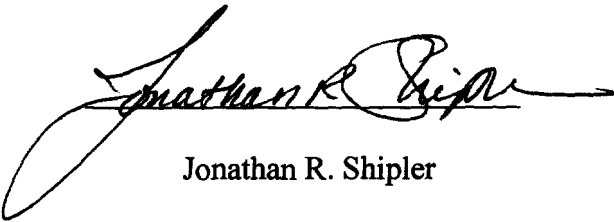
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<sup>9</sup> None of Time Warner's changes has merit. In light of Time Warner's flagrant disregard of the time for filing a petition for reconsideration, Bell Atlantic and NYNEX have not addressed the substance of Time Warner's proposals.

CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of July, 1997, a copy of the foregoing "Opposition of Bell Atlantic and NYNEX to Petition for Reconsideration" was served by first class U.S. mail to the parties on the attached list.

A handwritten signature in black ink, appearing to read "Jonathan R. Shipler", is written over a horizontal line. The signature is fluid and cursive, with a long, sweeping underline that extends to the left and then curves back under the name.

Jonathan R. Shipler

\* BY HAND

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